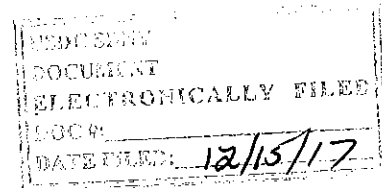


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



A.G.L., an Infant under the age of 14 years, by his Parent
and Natural Guardian, ELIZABETH LUIS, and
ELIZABETH LUIS, Individually,

Plaintiffs,

-against-

DANIEL PAGNANI M.D., DR. KAISHA, GREATER
HUDSON VALLEY FAMILY HEALTH CENTER, AND
ST. LUKE'S CORNWALL HOSPITAL,

Defendants,

Civil Action No. 17-cv-9673

**STIPULATION OF SUBSTITUTION
AND VOLUNTARY DISMISSAL
WITHOUT PREJUDICE**

WHEREAS, on or about July 26, 2017, Elizabeth Luis ("Plaintiff"), on behalf of herself
and her infant A.G.L, filed a complaint in the above-captioned matter (the "Complaint") in New
York Supreme Court, County of Orange;

WHEREAS, on December 8, 2017, the above-captioned matter was removed to the
United States District Court for the Southern District of New York;

WHEREAS, the Complaint alleges claims against Daniel Pagnani, M.D., Dr. Anhtio
Kashyap (sued as "Dr. Kaisha"), and the Greater Hudson Valley Family Health Center (together,
the "Federal Defendants"), concerning medical care provided from on or around May 1, 2014 to
February 1, 2015;

WHEREAS, the Federal Defendants have been deemed eligible for coverage under the
Federal Tort Claims Act, 28 U.S.C. § 2671 *et seq.* (the "FTCA"), pursuant to the Federally
Supported Health Centers Assistance Act, 42 U.S.C. §§ 233(g)-(n);

WHEREAS, the United States of America is the only proper federal defendant in an
action brought under the FTCA, 28 U.S.C. § 2679(d);

WHEREAS, Plaintiff has not exhausted her administrative remedies in accordance with 28 U.S.C. § 2675(a);

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between parties and their counsel, that:

1. Plaintiff hereby substitutes the United States of America as the defendant in place of the Federal Defendants;

2. Pursuant to Fed. R. Civ. P. 41(a), Plaintiff voluntarily dismisses all claims against the United States of America in the above-captioned action, without prejudice and without costs or attorneys' fees, so as to permit the completion of the administrative exhaustion process;

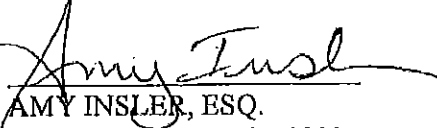
3. The parties stipulate that such dismissal is for failure first to present a claim pursuant to 28 U.S.C. § 2675(a), as contemplated in 28 U.S.C. § 2679(d)(5);

4. The United States expressly reserves all defenses, including as to timeliness of Plaintiff's claims under the FTCA;

5. This Stipulation may be signed in counterparts.


Dated: New York, New York
December 13, 2017

BONINA & BONINA
Attorneys for Plaintiff


By: 
AMY INSLEER, ESQ.
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Brooklyn, NY 11241
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Dated: New York, New York
December 12, 2017

JOON H. KIM
Acting United States Attorney for the
Southern District of New York
*Attorney for Defendants the United
States of America, Dr. Pagnani, Dr.
Kashyap, and the Greater Hudson
Valley Family Health Center*

By: 
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New York, New York 10007
Tel: (212) 637-2689
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SO ORDERED:


U.S.D. JUDGE CATHY SEIBEL

December 14, 2017

Re Clark with close Re case.